

PATENT  
101.0077-00000  
Customer No. 22882

UNITED STATES PATENT AND TRADEMARK OFFICE

# 5  
ND13  
10-4-01

In re Application of:

Gary K. Michelson, M.D.

Serial No.: 09/553,573

Filed: April 19, 2000

For: Artificial Hemi-Lumbar Interbody  
Spinal Implant Having An Asymmetrical  
Leading End And Method For  
Installation Threereof

Group Art Unit: 3738

Examiner: N/A

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Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Further to the Information Disclosure Statements dated April 19, 2000 and August 31, 2001 and pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of English language abstracts or partial translations of the listed non-English documents (previously cited) are attached.

Please note that in the Information Disclosure Statement submitted April 19, 2000, EP 0637440 is related to U.S. Patent No. 5,683,463; JP 57-29348 is related to U.S. Patent No. 4,349,921; JP 61-122859 is related to U.S. Patent No. 4,759,766; and

ES 283078 is related to U.S. Patent No. 4,877,020; all of which were also submitted in the Information Disclosure Statement dated April 19, 2000.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.


Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

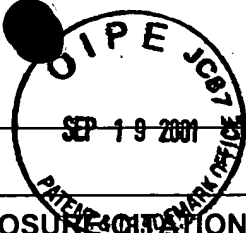
Respectfully submitted,

MARTIN & FERRARO LLP

Date: September 18, 2001

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Substitute for FORM PTO-1449		Attorney Docket Number 101.0077-00000	Customer Number 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant Gary K. Michelson, M.D.		Application Number 09/553,573
(Use several sheets if necessary) Sheet <u>1</u> of <u>1</u>		Filing Date April 19, 2000		Group Art Unit 3738 Examiner N/A

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

## FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
0 179 695	04/1986	Europe			Yes
0 627 204	12/1994	Europe			Abstract Only
0 637 440	10/1997	Europe			U.S. Equivalent U.S. 5,683,463
2 703 580	10/1994	France			Abstract Only
35 05 567	05/1986	Germany			Abstract Only
57-29348	02/1982	Japan			U.S. Equivalent U.S. 4,349,921
61-122859	06/1986	Japan			U.S. Equivalent U.S. 4,759,766
62-155846	07/1987	Japan			Yes
283078	05/1985	Spain			U.S. Equivalent U.S. 4,877,020

*NO COPY and/or TRANSLATION*

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.



PATENT  
Attorney Docket No. 101.0077-00000  
Customer No. 22862

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Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

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**CERTIFICATE OF MAILING VIA FIRST CLASS MAIL**

Date of Deposit: September 18, 2001

I hereby certify that:

1. Information Disclosure Statement Under 37 CFR 1.97(b)
2. Form PTO-1449
3. 5 English language abstracts or partial translations
4. Self-addressed return postcard receipt

are being deposited with the United States Postal Service to Addressee with sufficient postage as first class mail under 37 C.F.R. § 1.8 on the date indicated above and are addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

Date: September 18, 2001

  
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